

MINUTES

**MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON FISH AND GAME

Call to Order: By **CHAIRMAN KEN MESAROS**, on January 14, 1999 at 3:00 P.M., in Room 402 Capitol.

ROLL CALL

Members Present:

Sen. Ken Mesaros, Chairman (R)
Sen. Tom A. Beck (R)
Sen. Al Bishop (R)
Sen. William Crismore (R)
Sen. Steve Doherty (D)
Sen. E.P."Pete" Ekegren (R)
Sen. Jon Ellingson (D)
Sen. Eve Franklin (D)
Sen. Bea McCarthy (D)
Sen. Chuck Swysgood (R)
Sen. Jack Wells (R)

Members Excused: Sen. Mike Taylor, Vice Chairman (R)

Members Absent: None.

Staff Present: Leanne Kurtz, Legislative Branch
Adrienne Pillatzke, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 91, 1/14/1999
Executive Action: SB 58; SB 59; SB 91

HEARING ON SB 91

Sponsor: SENATOR CHUCK SWYSGOOD, SD 17, Dillon

Proponents: Pat Graham, Fish Wildlife and Parks
Katrina Scheuerman, Montana Audubon
Jerry Wells, Montana Council Trout Unlimited

Opponents: None

Opening Statement by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 3:00}

SENATOR CHUCK SWYSGOOD, SD 17, Dillon, stated the purpose of the bill is to remove the sunset, an extension for another four years of the fishing access site maintenance account. The funds supplement other FWP money use for the maintenance and upkeep of the fishing access sites. The sunset ends at the end of the fiscal year and we want to continue for four more years. The acoustician money of the fishing license fee money that is accessed for acousticians, 50% will now go to the maintenance of these sites.

Proponents' Testimony:

{Tape : 1; Side : A; Approx. Time Counter : 3:02}

Pat Graham, Fish Wildlife and Parks, submitted written testimony, **EXHIBIT**(fis10a01).

Katrina Scheuerman, Montana Audubon, said the Audubon supports SB 91. A major concern rises to have weeds properly managed and controlled. It is important for the fishing access sites to have adequate funds in order to be properly maintained and operated which obviously included weed control.

Jerry Wells, Montana Council Trout Unlimited, stated they support SB 91. It is important that FWP be a good neighbor. We are very interested in access and while we wouldn't necessarily agree that the program may be funded as well as we would like to see. We support this legislation.

Opponents' Testimony: None

Questions from Committee Members and Responses:

{Tape : 1; Side : A; Approx. Time Counter : 3:05}

SENATOR BECK asked why the FWP didn't remove the sunset completely and why they didn't just extend it for four years.

Pat Graham commented the concern is the rising cost of land values, the balance in terms of acquisition funds. At some point expect to spend down the cash balance in the acquisition funds and they are uncertain at this point whether or not they will

have adequate dollars to acquisition. At that point in time FWP will re look at the whole thing and make sure they have adequate acquisition funds as well as maintenance funds. That is not the only money going into maintenance. Another \$700,000 a year in general license fees will go into maintenance of fishing access sites. That is an addition to the base maintenance, which is funded specifically for addressing these concerns. **SENATOR BECK** responded that the termination date for the added operations and management is not extended, the other revenues will be allocated to acquisition. He asked if that is the technical concern FWP is concerned about. **Mr. Graham** replied he didn't know if it was a concern. It is pointing out what will happen to the money. It is set up, so if the sunset is extended it will go back to the way it was.

SENATOR EKEGREN asked what would the cost be for a typical site? **Mr. Graham** replied that it varies considerably. Prices along streams and lakes have escalated in the last decade. The FWP usually buys small sites, enough room for parking lot and boat ramp. A site on the Bighorn River cost between \$100,000 and \$200,000. **SENATOR EKEGREN** responded the reason he asked, is FWP has \$700,000 in the fund and are raising an addition \$275,000 a year. In three years that is \$800,000 to \$900,000 plus the fund was \$700,000. **Mr. Graham** stated it has gone down since four years ago. The fund balance is higher so it is declining. It is not getting bigger.

SENATOR CRISMORE asked with the amount of maintenance money and what else comes, that FWP will have enough money to get a program ongoing that will come up and meet the water quality standards that are being faced like in the streamside management zone to keep water from getting into the creek that carries contaminate silt. **Mr. Graham** replied that he couldn't answer the question because that implies it is occurring at those sites. The funding is to supplement those funds if problems were on any sites. The funds can be used specifically to address the funds above the actual operation maintenance. **SENATOR CRISMORE** commented that there are a lot of sites built not to meet that standard. It is going to be a program that is going to have to bring those up the standard or there will be a continued response of how could this happen. **Mr. Graham** responded that the FWP is interested in looking at that.

SENATOR BECK commented on a Clark Fork fishing access. He said a doctor owned that land and it might have been donated to FWP or did FWP buy an easement? It didn't cost you a lot of money or did it? **Mr. Graham** stated he couldn't recall the price but does remember it going through the commission. **SENATOR BECK** replied it might be a donated easement. The reason for the question

because there are more operation and maintenance costs on a piece of ground even though there wasn't a lot of acquisition value. Does that happen quite a bit, is FWP getting sites that way. **Mr. Graham** commented not really. That there aren't many people along streams that do that. The sites usually come at a steep price. The emphasis is now on smaller rivers due to the change in land ownership. Smaller river access is disappearing. The access is not typically floating access. The easements are expensive due to a much longer stretch of stream. The FWP has not pursued that due to the cost. The maintenance cost will be different because of no vehicle use and building boat ramps. The actual development cost is less but somebody would have to patrol the area to deal with trespassing.

CHAIRMAN MESAROS asked if FWP had identified, developed and implemented best management practices on these sites. **Mr. Graham** responded that the issue came up during primitive parks rule designation. He said FWP does environmental assessments and engineering protocol to get the Department of Environmental Equality and everybody involved in permitting the applications for fishing access sites. The FWP didn't go out and do a better management practice checklist. The FWP felt the design and approach being taken to the fishing access sites meets that.

Closing by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 3:18}

SENATOR SWYSGOOD wanted to stress the supplemental money, toward maintenance, the majority goes to weed control and general maintenance of those areas and some stream bank stabilization. We need to keep maintaining these sites.

{Tape : 1; Side : A; Approx. Time Counter : 3:20}

EXECUTIVE ACTION ON SB 91

Motion: **SEN. FRANKLIN** moved that **SB 91 DO PASS.**

Discussion:

{Tape : 1; Side : A; Approx. Time Counter : 3:21}

SENATOR BECK stated he would ask to remove the sunset. He didn't understand that FWP would want to come back for more acquisition. The program is growing so FWP are going to want more maintenance

and operation. He didn't think it will ever get to the point where you would want less than 50% of the fund designated to operation and maintenance. If you are just extending it for four years, why not remove the sunset completely. **Mr. Graham** replied that if this was the only place that maintenance money was coming out of, he would want to see it go to 75/25%. The FWP has supplemented and continues to supplement the maintenance through general license fees. That is to compensate for the increase in land values and the continuing needs along certain ways to acquire easements that are going to be expensive in the future. **SENATOR BECK** commented the legislature is going to come back in four years and do the same thing all over again. It would logically come back and say FWP needs 75% of this back, just bring in a bill to do it.

Motion/Vote: **SENATOR FRANKLIN** moved **SB 91 DO PASS**. Motion Carried Unanimously. 12-0.

{Tape : 1; Side : A; Approx. Time Counter : 3:24}

EXECUTIVE ACTION ON SB 59

Discussion:

SENATOR WELLS submitted amendment for SB 59, **EXHIBIT(fis10a02)**, and it was designed to eliminate confusing language when talking about the nonresident who would pay the extra \$25 if they were unsuccessful in drawing the hunting license. It would enable them to get the preference bonus point for the permit for an elk or deer. Wording was changed in the title and in the various places from saying "to participate in the hunting license preference system" to saying "to participate in the preference system for deer and elk permits". It does not give any impression that nonresidents can buy a license or buy a preference for the license.

Motion/Vote: **SENATOR WELLS** moved that Amendment for **SB 59 DO PASS**. Motion Carried Unanimously. 12-0.

Motion/Vote: **SENATOR WELLS** moved that **SB 59 DO PASS AS AMENDED**. Motion Carried Unanimously. 12-0.

EXECUTIVE ACTION ON SB 58

{Tape : 1; Side : A; Approx. Time Counter : 3:28}

Motion: SENATOR WELLS moved that SB 58 DO PASS.

Discussion:

SENATOR MCCARTHY asked when the bill goes to the electorate, who pays the election fee, does the department, the county, who pays the fee. SENATOR DOHERTY answered the overall bill for the state will be at least three quarters of a million dollars under existing law. That doesn't include the extra cost for the local district elections which will be at least that much. The counties, the school districts, the weed districts, the mosquito districts and everybody are going to have to find on their own.

SENATOR MCCARTHY commented this comes out of the state pot.

SENATOR DOHERTY replied yes.

Motion/Vote: SENATOR WELLS moved SB 58 DO PASS. Motion Carried Unanimously. 12-0.

ADJOURNMENT

Adjournment: 3:30 P.M.

SEN. KEN MESAROS, Chairman

ADRIENNE PILLATZKE, Secretary

KM/AP

EXHIBIT(fis10aad)